IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL

Criminal Misc. Application No. 310 of 2003

Rama Pati
S/o Sri Yamuna Prasad
R/o Natthanpur Jogiwala
District – Dehradun … Petitioner

Versus

1. State of Uttaranchal

2. Mahant Ram Kumar
R/o Ayodhya Dham
Tyagi Bhakmal, Bhupatwala
Haridwar,
District – Haridwar

3. Ram Pyare Das
R/o Ayodhya Dam
Tyagi Bhakmal, Bhupatwala
Haridwar,
District – Haridwar … Opp.parties

Sri Rajdendra Singh, learned counsel for the petitioner.
Sri. J.P. Joshi, learned counsel for the Opp. Parties 2 and 3.
Sri G.S. Sandhu, learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

This petition u/s 482 Cr.P.C. has been filed by the petitioner for quashing the order dated 29.03.2003 passed by the learned Chief Judicial Magistrate, Haridwar in case no. 519 of 2003 as well as the judgment and order dated 10.09.2003 passed by the Sessions Judge, Haridwar in criminal revision no. 214 of 2003 issuing the direction to the Chief Judicial Magistrate to proceed with the case no. 518 of 2003 in accordance with the law.

Brief facts of the case are that a complaint was filed by Rama Pati petitioner against the respondent nos. 2 and 3 u/s 420, 467, 468, 471, 406, 500 and 506 I.P.C. This complaint was dismissed u/s 203 Cr.P.C. vide judgment and order dated 29.03.2003. The complainant feeling aggrieved by the order passed by the Chief Judicial Magistrate,

preferred revision before the court of learned Sessions Judge, Haridwar who after hearing learned counsel for the parties was pleased to dismiss the revision vide judgment and order dated 10.09.2003.

Feeling aggrieved by the judgment and orders passed by the court below, this petition has been preferred before this court u/s 482 Cr.P.C.

Heard learned counsel for the parties at length and perused the record.

Learned counsel for the petitioner has argued that no prima facie case u/s 420, 467, 468, 471, 406, 500 and 506 I.P.C. is made out and the case on the basis of the allegation made by the complainant itself appears to be of civil nature.

In view of the document filed by the parties before this court in this petition, I am of the view that there is no flagrant injustice and abuse of process of the court. I also do not find any mandatory provision of law has not been complied with by the court below.

The contention raised by the learned counsel for the petitioner pertains to the question of fact which can be assessed and examined by the trial court when the evidence is led by the parties.

I do not find any force in this petition.

The petition is accordingly dismissed.

(B.C. Kandpal, J.)

29th April, 2005
Shiv